

**REMARKS**

The final Office Action dated 11 May 2009 has been received and its contents carefully studied. Claims 1-4, 6, 7, 9, 11, 13-27, and 30 are amended, claims 12 and 31 are canceled, and claims 32-45 are newly presented. The pending claims are claims 1-4, 6-11, 13-27, 29, 30, and 32-45.

The pending independent claims are method claim 1, apparatus claim 11, apparatus claim 19, apparatus claim 21, computer program product claim 22, storage medium claim 24, mobile phone claim 26, apparatus claim 30, and new method claim 40.

The final Office Action cites new art: *Smethers* (U.S. Patent Application Publication 2004/0142720). This *Smethers* reference is different from the patent of the same inventor previously cited by the Office (U.S. Patent No. 7,130,894).

The claims are no longer rejected under 35 USC § 101 or 35 USC § 102. Instead, the present rejections are only under 35 USC § 103, as obvious from *Inoue* (U.S. Patent No. 6,332,024) in view of *Smethers*.

Newly submitted dependent claims 32-39 recite additional features of the present invention which are fully supported by the original application as filed.

Claim 32 is supported by the original application as filed, including Figures 1-4 and in the specification, including page 5, lines 6-8.

Claim 33 is supported by the original application as filed, including Figures 1-4 and in the specification, including page 5, lines 25-27.

Claims 34, 35, 37, and 39 are supported by the original application as filed, including Figures 1 and 3 and in the specification, including page 5, lines 13-15.

Claim 36 is supported by the original application as filed, including Figures 1-3 and in the specification, including page 5, lines 30-34.

Claim 38 is supported by the original application as filed, including Figures 1-4 and in the specification, including page 6, lines 4-7.

New independent method claim 40 and dependent method claims 41-45 are supported by Figures 1-3 and in the specification, including page 5, line 1 through page 7, line 16. No new matter is added.

### Brief Summary of Invention

The present invention provides a method for displaying a menu on a display, such as shown in FIG. 3 of the present application. This method includes activating a selection element, such as in a tool bar 1, which causes a magnified version 3 of the active selection element to be displayed, along with at least one auxiliary element 4.

The at least one auxiliary element may include navigation aids 4a and/or selection aids 4b. Activating a navigation aid activates a different selection element. When the new selection element is active, the at least one auxiliary element is no longer displayed with respect to the selection element that was initially active, and instead at least one auxiliary element (including possible directional indicators) is displayed in the new selection element. In addition, a submenu 5 may be displayed when a selection element is active. The submenu in turn may contain the active selection element and may contain other selection elements and auxiliary element(s), including navigation aids, and selection aids. This technique greatly facilitates navigation from one selection element to another.

### Claim Rejections - 35 USC §103

At pages 2-11, claims 1-4, 6-27, and 29-30 are rejected under 35 USC §103(a) as unpatentable over US patent 6,332,024, Inoue, et al (hereinafter Inoue), in view of US patent application publication 2004/0142720, Smethers.

With respect to claim 1, it is asserted that Inoue teaches displaying a menu on a display of an electronic device with the recited actions as set forth in claim 1, except that it fails to clearly teach the feature of magnifying said one of the selection elements, including increasing an apparent size of said one of the selection elements. It is asserted that Smethers teaches magnifying the selection element and directional indication as shown in Figure 5D thereof (with regard to the "Back" button with a left arrow), as well as in Figure 8F, where a pop up element 806 is enlarged with a plurality of directional indicators. Furthermore, it is asserted that it would be obvious to one of ordinary skill in the art at the time the invention was made, to combine the magnifying step of Smethers with the teaching

of Inoue of a plurality of selection elements. In view of the amendment to claim 1, it is respectfully submitted that it is distinguished over these references.

In particular, claim 1 as amended recites the action of activating one of the selection elements, as well as displaying a magnified version of the active selection element along with at least one auxiliary element. In this regard, the Office asserts at page 3 that Inoue discloses magnifying said one of the selection elements and displaying a plurality of auxiliary elements with specific reference to elements G21 and G22.<sup>1</sup>

As discussed in Inoue at column 9, line 59 through column 11, line 31, Figures 6A-6H explain a correlation between a display screen 2 and soft keys 3, 4A, 4B in the mobile telephone 1 (see also Figure 1). There is a main soft key 3 which can allow for scrolling of objects shown in the display screen 2 in an upward or downward direction, as well as the ability to select an item by depressing the soft key 3. Furthermore, main soft key 3 and first and second auxiliary soft keys 4A and 4B are shown which can take on different functions depending upon what is displayed as icons on the display screen in the space above each of the soft keys 3, 4A and 4B. For example, Inoue discloses at Figure 6A a registration mode CO which is shifted to after the soft key 3 corresponding to the word "REGISTER" is pressed as shown in Figure 4. At that point, the information shown in Figure 6A is displayed and it is explained that the user may rotate the main soft key 3 up or down to move the cursor C<sub>CO</sub> up to a desired item, such as the "TELEPHONE No." item shown in display screen 2, so that when the cursor C<sub>CO</sub> is on this item, it is selected by depressing soft key 3. At that point, the system moves into registration mode C1 as shown in Figure 6B (Inoue, column 9, line 59 through column 10, line 11).

When in the registration mode C1, the user can select items shown in the display screen by moving cursors C<sub>C1</sub> up or down by use of the main soft key 3 and when on a particular item in the display screen, it is selected by depressing the main soft key 3 which then corresponds to the "ENTER" icon I<sub>C10</sub>, causing the system to go into the registration mode C2 as shown in Figure 6C (Inoue, column 10, lines 12-26).

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<sup>1</sup> Applicant believes the Office meant to refer to icons I<sub>C21</sub> and I<sub>C22</sub> with regard to Figure 6C thereof.

When in the registration modes C2, a tab T<sub>C2</sub> is shown where a name may be entered and where the auxiliary soft keys 4A and 4B are associated with directional left and right arrows respectively as shown by icons I<sub>C21</sub> and I<sub>C22</sub>. Icon I<sub>C20</sub> is the ENTER icon associated with the main soft key 3 (Inoue, column 10, lines 27-40).

The other Figures 6D-6H are associated with different activities of the user with regard to the main soft key and the auxiliary keys and the various modes that the system enters depending upon the selection made by the user (Inoue, column 10, line 41 through column 11, line 31).

With this understanding of Inoue, including the portions relied upon by the Office, the "selection elements" as shown in Figure 6B therefore correspond to the options "NEWLY REGISTER" and "CORRECT". If the "NEWLY REGISTER" item is selected by movement of the cursor C<sub>C1</sub> via main soft key 3, with depressing of the main soft key associated with the ENTER function as shown by icon I<sub>C10</sub>, then it is clear that such selection causes a screen (Fig. 6C) to be displayed which presents new information on the display screen; namely, a tab T<sub>C2</sub> for entry of a name and a "NEXT SCREEN" item as shown in Figure 6C.

It is therefore apparent that activating one of the selection elements, such as the "NEWLY REGISTER" selection element shown in Figure 6B, causes a new display screen to be generated and does not display a magnified version of the active selection element as required by amended claim 1. Thus, although the Office asserts that icons I<sub>C21</sub> and I<sub>C22</sub> generated when the item "NEWLY REGISTER" is selected in Figure 6B (see icons in Figure 6C) correspond to auxiliary elements of claim 1 of the present application (now recited as at least one auxiliary element), those auxiliary elements are not displayed along with a magnified version of the active selection element.

Furthermore, Smethers does not make up for this deficiency in Inoue since the various display screens shown, including those in Figures 5A-5F and 8A-8H simply indicate which one of a plurality of items, such as items 1-7 shown in Figure 5D, may be selected when the select key "Select" at the bottom of Figure 5D is depressed, but does not show a selection element being enlarged when the select key is depressed. In other words, Smethers shows where the cursor is presently located with regard to the items displayed on display screen 102 (see Figures 1A and 2 of Smethers).

It is therefore respectfully submitted that Inoue in combination with Smethers, fails to disclose or suggest claim 1 as amended.

Independent apparatus claim 11, independent apparatus claims 19 and 21, independent computer program product claim 22, independent storage medium claim 24, independent mobile phone claim 26, and independent apparatus claim 30 have all been amended in a manner similar to claim 1 and for similar reasons as those presented above are also distinguished over Inoue in view of Smethers.

Newly submitted claim 40 discloses a method having the actions of displaying a plurality of selection elements, activating one of the selection elements, and displaying a magnified version of the active selection element along with an associated submenu containing text. This claim is supported by Figures 1-3 of the present application and the associated description in the specification, including page 5, line 10 through page 7, line 16.

Inoue and Smethers fail to suggest newly submitted claim 40 since neither reference discloses the activating of a selection element and the displaying of a magnified version of the active selection element associated with a submenu containing text. When a selection element in Inoue is selected, a new display screen is shown without a magnified version of the active selection element. Smethers fails to make up for this deficiency in Inoue.

Dependent claims 2-4, 6-10, 13-18, 20, 23, 25, 27, and 29 are also distinguished over Inoue in view of Smethers at least in view of their ultimate dependency from independent claims which are believed to be allowable.

Dependent claims 12 and 31 have been canceled without prejudice.

Furthermore, dependent claims 41-45, which ultimately depend from claim 40, are also believed to be allowable at least in view of their ultimate dependency from independent claim 40.

## **Conclusion**

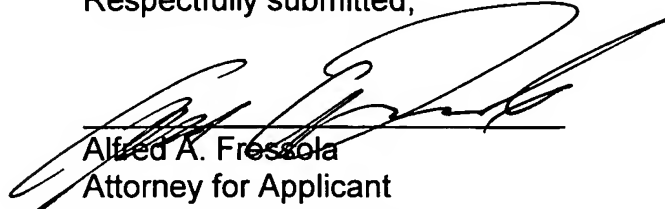
For all the foregoing reasons it is respectfully believed that all of the pending claims of the present application are in condition for allowance and their passage to issue is earnestly solicited. Applicant respectfully requests that the rejections be reconsidered and

withdrawn. Applicant's attorney asks that the Examiner please call the undersigned attorney to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

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